

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
January 8, 2013

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Steve Braasch, Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem

Absent:

Zelda Auslander, Council Member
Bob Dorsett, Jr., Council Member

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Giancarlo Patino, City Engineer
Bill Pitmon, Detective
Stephen Myrick, Building Official
Amy Kelley, Chief Information Officer
Daeric Graeber, Systems Analysis
Barbara Hathaway, Library Director

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, January 8, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Veronica Putney, 13308 Overland Pass, asked the Council to not grant anymore variances and to follow the Master Plan.

Ben King, 16005 Snowdonia, stated that he represented a coalition of citizens opposing the car dealership. He addressed the closeness of the development to the community.

John Colman, 5201 Great Divide, asked the Council to follow the Comprehensive Plan. He stated that he was concerned that the City is moving away from the desirable attributes of the City.

Carroll Killebrew, 5410 Great Divide, opposed the variances for the new signs granted to the Shops at the Galleria. He commented that developers asking for variances got more support than the citizens.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on December 11, 2012.
- B. Consider approval of monthly financial and investment reports. (November)
- C. Consider minor revisions to deed restrictions on the property located at 15728 Hamilton Pool Road in the City's Extraterritorial Jurisdiction to clarify that the term "development" does prohibit landowner from grading and fencing portions of land in the restricted areas and that runoff may be re-irrigated as well as being used within the household.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the Consent Agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay: None
Absent: Council Members Auslander and Dorsett

The motion carried.

Presentation by Friends of Bee Cave Dog Park.

John Stevens, President of the Friends of Bee Cave Dog Park, explained the limitations and problems with the current dog park. He presented a proposal for a new dog park.

Joseph Jarrett, Landscape Architect, also spoke on this item.

The Council agreed that this item would be discussed during their strategic planning workshop to be held on February 4th.

First public hearing on a request for annexation of approximately 35.733 acres legally described as Lot 1, Block A, Morningside Subdivision.

Mayor Murphy called the Public Hearing to order at 6:48 p.m.

There not being anyone who wished to give public testimony on this item, the Mayor closed the public hearing at 6:48 p.m.

No action was taken.

Discuss and consider action on Resolution No. 2013-01 consenting to the annexation of property located in the City's Extraterritorial Jurisdiction by Lazy Nine Municipal Utility District 1-A.

Director of Community Services Lindsey Withrow presented this item.

Rick Wheeler, Malone/Wheeler, Inc., commented that he was representing both Travis County ISD and Sweet Water on the annexation by the Lazy Nine MUD. He stated that the Board of Directors of the MUD voted unanimously to comply with the City's rules and regulations. The minutes of that meeting will be provided to the City after they are approved at the next Board meeting.

MOTION: A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve Resolution No. 2013-01 with the proviso that the City Staff follow up with confirmation of the minutes of the Lazy Nine Board meeting.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay:	None
Absent:	Council Members Auslander and Dorsett

The motion carried.

Discuss and consider action on sign variances for the Backyard at Bee Cave located at 13801 Bee Cave Parkway.

Building Official Stephen Myrick presented this item.

Bob Fuller representing the Backyard spoke on this item.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to deny the variance request and to refund the fees.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay:	None

Absent: Council Members Auslander and Dorsett

The motion carried.

Discuss and consider action on a sign variance request from Sleep Experts located at 12400 Highway 71 West, Suite 600.

Gary Melder, Austin General Manager of Sleep Experts, was present at the meeting .

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to deny the sign variance requests and to refund the fees.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay: None
Absent: Council Members Auslander and Dorsett

The motion carried.

Discuss and consider action on the Site and NPS plans for Ladera subdivision – Phase Three, located on Ladera Boulevard behind Target.

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to approve Site and NPS plans for Ladera Subdivision, Phase Three.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay: None
Absent: Council Members Auslander and Dorsett

The motion carried.

Discuss and consider action on a request for a Special Event Permit with Revival located at 13308 W. Highway 71.

Ms. Withrow presented this item.

David and Tara Camp, owners of Revival, were present at the meeting and available to answer questions.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to issue the Special Events Permit to Revival until June 30, 2013 with the clarification that used vehicle sales are not allowed.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay: None
Absent: Council Members Auslander and Dorsett

The motion carried.

Discuss and consider action on quotes received for repairs to the creek erosion under the bridge on Bee Cave Parkway Phase I.

Casey Sledge of Sledge Engineering presented this item.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to authorize Staff to work with the low bidder, Smith Contracting, in an amount not to exceed \$25,000 and if that quote doesn't work then to approve an amount not to exceed \$40,000 for the repairs to the creek erosion.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay: None
Absent: Council Members Auslander and Dorsett

The motion carried.

Discuss and consider action on an update on construction of Bee Cave Parkway Phase IIIB.

Mr. Sledge updated the Council on the construction of Bee Cave Parkway Phase IIIB.

Discuss and consider action on Ordinance No. 135, an Ordinance adopting the FY 2012-2013 Budget for the Road Maintenance Fund.

Director of Finance Katie Griffin presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 135 adopting the FY 2012-2013 budget for Road Maintenance Fund.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay: None
Absent: Council Members Auslander and Dorsett

The motion carried.

Discuss and consider action on a final plat, easements by separate instruments, and letter of credit for the property owned by Tim and Brenda Skaggs located next to the Backyard on Bee Cave Parkway at Lot 1, Block A of the Skaggs Tract.

No action was taken on this item.

Executive Session

The City Council closed the Open Session at 8:17 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 9:40 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Braasch, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Braasch and Goodwin
Voting Nay: None
Absent: Council Members Auslander and Dorsett

The motion carried.

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The City Council adjourned the meeting at 9:40 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary